

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON AUGUST 6, 2003**

Members Present: Peter Lilienfield, Chairman
Jay Jenkins
William Hoffman
Walter Montgomery, Secretary

Members Absent: Carolyn Burnett

Also Present: Lino Sciarretta, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Florence Costello, Planning Board Clerk
Robert Citarell, Environmental Conservation Board Member
Applicants and other persons mentioned in these Minutes

IPB Matters

Considered:

- 94-03 – Westwood Development Associates, Inc. -- Phase 1
(Tract A)**
 - Sht. 10, P25J2, 25K2
 - Sht. 10C, Bl. 226, Lots 25A, 26A
 - Sht. 11, P-25J
- 01-26 – Danfor Realty – Harriman Road**
 - Sht. 13B, Lot P-5, P-5C
- 02-03 – Abbott House – 100 North Broadway**
 - Sht. 10, P-21
- 02-05 – C.M. Pateman & Associates Inc./Nicodemus – 200
Mountain Road**
 - Sht. 11, Lot P-27J
- 02-11 – Geraldine McGowan-Hall – 200 Mountain
Road/Hermits Road**
 - Sht. 11, Lot P-7J
- 02-42 – Jason Barnett – 48 Ardsley Avenue West**
 - Sht. 8, B. 220, Lot 1
- 02-44 - Westwood Development Associates, Inc.**
 - Lot 4
- 03-05 – Sprint Spectrum, L.P. – 1 Bridge Street**
 - Sht. 3, Lot P-103
- 03-15 – Vincent DeSantis – 64 West Clinton Avenue**
 - Sht. 7B, B. 249, Lot 7A
- 03-23 – Marc & Judith Kleber – 31 Jaffray Court**
 - Sht. 7C, B. 250, Lot 7
- 03-28 – Steve Caporal – 16 South Eckar Street**
 - Sht. 5, B. 210, Lot 11, 11A
- 03-31 – Eric & Michelle Frank – 23 Washington Avenue**
 - Sht. 15, Lot P-101
- 03-32 – Lisa Trencher – 6 Riverview Terrace**
 - Sht. 10D, B. 240, Lot 6, 7, 8

03-33 – Alfred Gordon – 43 Westwood Circle

Sht. 10G, Lot 43

03-34 – William & Jennifer Monness – 49 Kingsley Close

Sht. 12B, Lot P-20

Carried Over:

03-22 – Ante & Sylvia Marusic – 60 Hudson Avenue

Sht. 10B, B. 230, Lot 22C

03-29 – Omnipoint Facilities Network, LLC – Abbott House, 100 North Broadway

03-30 – Cheryl & William Tucker – 13 Greyrock Terrace

Sht. 10D, B. 242, Lot 1

Open Space

Inventory

Consideration:

03-35 – David & Nancy Rosner – 11 Meadow Way

Sht. 10F, B. 253, Lot 12

03-36 – Racwel Contracting & Construction Co., Inc. – Dearman Close

Sht. 10, Lot P-25J2-15

The Chairman called the meeting to order at 8:05 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

The Chairman indicated that Mr. Marron was unable to attend the meeting due to personal considerations, and as such it might be necessary to defer some aspects of specific applications pending his return.

ITEMS CARRIED OVER:

The Chair man noted the following items to be carried over to future IPB agendas:

IPB Matter #03-30:

Cheryl & William Tucker – 13 Greyrock Terrace

IPB Matter #03-29:

Omnipoint Facilities Network, LLC – Abbott House, 100 North Broadway

IPB Matter #03-22:

Ante & Sylvia Marusic – 60 Hudson Avenue

REVIEW OF APPLICATIONS

IPB Matter #03-05:

Application of Sprint Spectrum L.P. for Site Development Plan and Special Use Permit on Property at 1 Bridge Street

In response to a written request from the applicant's attorney (David L. Snyder, Esq., of Snyder & Snyder, LLP dated July 14, 2003) the Board voted to approve an extension of six months to March 5, 2004 for the completion of all requirements stipulated in the IPB's previous approval of this application originally granted March 5, 2003.

IPB Matter #02-03:

Application of Abbott House for Renewal of a Special Permit for Property at 100 North Broadway

The Board was in receipt of a letter from Mr. Sciarretta (dated August 6, 2003) outlining his recommendations as to the wording of conditions and stipulations in the renewal of this Special Permit. Mr. Sciarretta also emphasized that although the provisions that eventually would be approved for the permit would be specific to Abbott House, the Board should consider their possible implications for other similar applications in the future.

The Board confirmed there will be a public hearing on this application at the regular meeting of September 3, 2003.

IPB Matter #03-28:

Application of Steve Caporal for Site Development Plan Approval for Property at 16 South Eckar Street

Mr. Caporal appeared on behalf of this application for the enclosure of an existing porch on a single-family dwelling.

The Chairman opened a public hearing on this matter. He noted that the Architectural Review Board had reviewed this application in relation to the Village's newly established View Protection Overlay District. A letter from the ARB, dated July 30, 2003, stated that there would be no significant impact from the proposed project on the views of the Hudson River.

There were no comments from the public. The Chairman closed the public hearing. The Board determined this matter could be handled as a Type II action under SEQRA. Upon motion duly made and seconded, the Board granted Site Development Plan Approval for plans entitled Site Plan Caporal Residence, 16 South Eckar Street, prepared by Douglas O. McClure, Architect, dated May 27, 2003, (4) sheets.

IPB Matter #02-42:

Application of Jason Barnett for Site Development Plan Approval for property at 48 Ardsley Avenue West

Mr. Paul Taormina, P.E., represented the applicant, who is proposing to construct an in-ground swimming pool. Mr. Montgomery recused himself, since he is a neighbor of the applicant.

The Chairman opened a public hearing. He cited Mr. Mastromonaco's memorandum of August 6, 2003 which included a recommendation for handling the drainage from the pool with a catch basin. The Chairman added that the notes in the plans should be altered to include reference to the catch basin.

He noted that the Architectural Review Board had reviewed this application in relation to the Village's newly established View Protection Overlay District. A letter from the ARB, dated July 30, 2003, stated that there would be no significant impact from the proposed project on the views of the Hudson River.

There were no comments from the public. The Chairman closed the public hearing. The Board determined that the application could be handled as a Type II action under SEQRA. Upon motion duly made and seconded, the Board granted Site Development Plan Approval for plan entitled Plan for Pool by Paul K. Taormina, P.E., dated June 14, 2003 (no revision date), three sheets subject to modifications per Mr. Mastromonaco's memo.

IPB Matter #03-34:

Application of William & Jennifer Monness for Site Development Plan Approval for property at 49 Kingsley Close.

Greg Gates, architect, appeared on behalf of the applicants, who are seeking to construct a new dormer at the rear of a single-family dwelling. Plans submitted were entitled: Monness Residence, Floor Plans, Elevations and Section, Gregory John Gates, Architect, dated July 23, 2003, 1 sheet.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Chairman noted that Mr. Marron had confirmed that the project conforms to FAR standards. There were no comments from the public. The Board determined that the application could be handled as a Type II action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or

removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said May, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

IPB Matter #03-33:

**Application of Alfred Gordon for Site
Development Plan Approval or Waiver of Such
Requirement for Property at 43 Westwood Circle**

Mr. Gordon appeared before the Board to address the application, which pertains to the conversion of attic space into a loft and mezzanine area, with no external changes to the structure other than the addition of the skylights. Plans submitted were entitled: Alterations to Residence of Mr. And Mrs. Al Gordon, 43 Westwood Circle, prepared by John Cotugno, Architect, dated June 26, 2003, 1 sheet.

The Chairman noted a letter from the Fieldpoint Association, dated April 15, 2003, that stated the Association did not object to the applicant's plans. He also noted that there are no FAR standards applicable to this property under the newly adopted zoning regulations. There are however, State standards that apply and the work must conform to them.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said May, Plan or Ordinance,

NOW, THEREFORE, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

IPB Matter #02-05:

**Application of C.M. Pateman & Associates Inc. /
Nicodemus for Site Capacity Approval for
property at 200 Mountain Road**

Charles Pateman of C.M. Pateman & Associates appeared on behalf the application.

The Chairman cited a letter of August 6, 2003 from Tim Miller Associates, which had been asked by the Board to analyze the application to identify potential issues it poses under the Village's newly enacted zoning requirements dealing with wetlands and watercourses. The letter indicated that the project falls within the provisions of the new ordinances covering wetlands and watercourse, and therefore a permit from the IPB would be required for construction work, if a variance for site-capacity is obtained from the Zoning Board of Appeals.

The Chairman also cited earlier letters of April 1, 2003 and March 4, 2003 from Tim Miller Associates; neither of these had identified significant environmental issues, although these letters were issued prior to the enactment of the new zoning regulations. He also pointed out that the ZBA had asked for the IPB's advisory opinion on environmental aspects relating to a pending ZBA application for a site capacity variance.

The Chairman stated that, in general, no activities are to be permitted in the buffer zone created by the Wetlands ordinance. Mr. Pateman said that some activities are allowed within the buffer with Planning Board approval. He also said his proposal would adhere to the requirements of the new zoning requirements and comply with the intent of the Master Plan. Mr. Pateman stated, too, that he recognizes he must obtain a site-capacity variance from the ZBA before proceeding any further with an application for site plan approval from the Planning Board.

The Board determined that the consultant studies provided the input being sought by the Zoning Board of Appeals. The Chairman indicated that he would transmit the Tim Miller Associates documents to the Zoning Board of Appeals, and that any further consideration by the Planning Board would be dependent upon action by the ZBA.

IPB Matter #03-23:

**Application of Marc & Judith Kleber for Site
Development Plan Approval for property at 31
Jaffray Court**

Mr. Padriac Steinschneider of Gotham Design appeared on behalf of the applicants, who are seeking to construct first- and second-floor additions to their home and expand the existing front porch.

The Board opened a public hearing. The Chairman noted that the Board had sent a letter, dated July 23, 2003 to the Architectural Review Board for its opinion on how the

project might be affected by the new ordinance creating the View Protection Overlay District (VPOD).

Mr. Steinschneider said that he had made some modification to the plans, including a repositioning of a portion of the northern façade at the attic level to reduce “massing. The Chairman said the Board had received many letters of comment from the residents of the neighborhood. The ARB, in its assessment of the potential VPOD issues, had no objection to this project unless neighbors take issue with it. The Chairman stressed that the ARB’s comment were a consideration to be weighed by the Planning Board, as were all other comments that were received. There was then a discussion of the ARB’s findings and the role of the ARB in the process.

The Chairman noted that Mr. Marron had indicated that the proposed plans would have exceeded the FAR standards, but they do not apply as the application was filed prior to the enactment of the FAR ordinance.

Various residents of the neighborhood offered comments, voicing concerns about the height of the proposed structure, its size and its incongruity with surrounding homes. Other residents expressed support of the project. The Chairman noted that the letters received by the Board had expressed both opposition and support. Mr. Jenkins indicated that he felt that the proposal did not rise to a level of being so out of harmony with the neighborhood as to justify a denial given its otherwise compliance with zoning regulations.

The Board closed the public hearing and determined that the application is for a proposed action which is a Type II action under SEQRA. Upon motion duly made and seconded, the Board voted 3 to 1, with Mr. Hoffman in the negative, to grant site development plan approval to plans entitled: Site Plan, _Kleber Residence, 31 Jaffray Court, by Gotham Design Ltd., dated April 21, 2003, (1) sheet, prepared by John Dedyo, P.E.

IPB Matter #03-31:

**Application of Eric & Michelle Frank for Site
Development Plan Approval for property at 23
Washington Avenue.**

Michael Gallin, architect, represented the applicants, who are proposing to construct a new pool house, enlarged patio, retaining walls and additional fencing along the property. Plans submitted were entitled: Frank Residence, 23 Washington Avenue, Michael Gallin, Architect, dated July 21, 2003, 3 sheets.

Discussions indicated that one affected property owner had not been properly notified of this application, and the Chairman confirmed with Mr. Gallin that this deficiency was being corrected. The Chairman also noted that Mr. Marron had said that FAR and coverage standards are exceeded by this proposal, and that variances would be required for both of these and insufficient setback. He said that since there would be no permanent kitchen in the pool house, it will not be a second residence under the definition in the Village Code. The Chairman indicated that the Application should be referred to the Zoning Board of Appeals for consideration of the variances, subsequent to which the applicant would need to return to the Planning Board. Mr. Gallin indicated that all notification issues would be resolved prior

to application to the Zoning Board of Appeals, and that corrected re-notification would take place prior to returning to the Planning Board.

IPB Matter #03-32:

**Application of Lisa Trencher for Site Development
Plan Approval for property at 6 Riverview Terrace**

Jim Thomas, architect, represented the applicant, who is seeking to construct a pergola on an existing second-floor deck, install two rear-yard terraces with retaining walls and a rear deck off the first floor of the residence. Plans submitted were entitled: Residence of Lisa Trencher and Karen Inghilterra, 6 Riverview Terrace, Jim Thomas and Associates, Architects, dated July 22, 2003, 3 sheets. This property had previously been before the Planning Board in May 1, 2002 and April 2, 2003, at which time it granted site development plan approval for an extension to the existing residence (see IPB Matters #2002-21 and 2003-12).

The Chairman noted that Mr. Marron requested verification of coverage data, and Mr. Mastromonaco, in a memorandum of August 6, 2003 asked that the topography of the property be clearly shown on the plans together with the elevations of the retaining wall. A variance may be needed for coverage, the Chairman said, as well as for setbacks depending on the final design of the plans.

The Chairman stressed the need for clarity on how drainage would be handled. A neighbor, Robert Tardio, who resides to the west of the property, expressed concern about both existing and future drainage and the effect of the plans on his property; it was noted by Mr. Thomas that a plan would need to be developed to handle the runoff from the property, and would likely necessitate an easement over the adjoining property. The Chairman said that the applicant should discuss the issue with the adjoining property owners in an effort to develop a mutually acceptable, clear drainage plan.

By consensus and at the Applicant's request, the Board determined that it would only consider the portion of the application dealing with the proposed pergola; the remainder of the application would be deferred until plans had been modified.

The Board then determined that the application is for a proposed action which is a Type II action under SEQRA. With respect solely to the proposed pergola, the Board, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or

unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said May, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for the pergola portion of this application, with further consideration of the other elements of the submitted plan to be deferred until the plans are modified.

IPB Matter #02-11:

Application of Geraldine McGowan-Hall for Site Development Plan Approval for property at 200 Mountain Road/Hermits Road

Wayne Timonen, architect, and Mr. Hall appeared before the Board. The applicant is proposing to renovate and expand an existing house and is also proposing to install a drain in the existing driveway and close one of two driveway entrances.

Mr. Timonen said the new Village wetlands ordinances necessitate a reexamination and “enhancement” of the applicant’s plans. He also acknowledged the need to improve control of water running onto the property from Hermits Road and said that the applicants will have to alter the storm drain and install a gutter along that road.

The Chairman cited the need for a permit from the IPB for wetlands work in keeping with the new zoning provisions, and stated that such a permit would be part of the current application. In addition, to simplify the approval process, he emphasized that the plans should address both watercourse and wetlands issues.

The Board continued this matter.

IPB Matter #03-15:

Application of Vincent DeSantis for Site Development Plan Approval for property at 64 West Clinton Avenue.

Mr. DeSantis appeared in support of the application, which proposes the construction of an addition to a single-story family home and the installation of an in-ground swimming pool.

The Chairman noted a letter from the Architectural Review Board dated July 30, 2003, stating that the ARB found the proposal created no issues pertaining to the new View Protection Overlay District. He also said the plans need to show corrected elevations for the proposed pool and walk area, as Mr. Mastromonaco indicated in a memorandum of August 6, 2003.

The Chairman further stated that Mr. Marron had indicated that the plans must depict driveway grading as well as screening on all sides of the pool. The Chairman asked that the

applicant and Mr. Marron meet to determine whether an attic is being created; if it is, such space must be included in the FAR computations.

The Chairman also asked the applicant to re-notice the public for the September IPB meeting. The Board continued this matter.

IPB Matter #01-26:

**Application of Danfor Realty for Subdivision
Approval for Property Adjoining Harriman Road**

Mr. Paul Petretti, civil engineer and land surveyor, appeared on behalf of this continuing application for Preliminary Subdivision Layout and Limited Site Plan Approval of a seven-lot subdivision (two lots of which are already improved).

The Board continued its public hearing on the matter. The Chairman asked that he and Mr. Petretti meet to work on the resolution of approval for the application. He also indicated that he had received an email from Larry Schopfer, Village Clerk Treasurer, dated July 18, 2003, which stated that "the Village Board is inclined to accept the dedication of Park Lane subject to final Planning Board approval, and the approval of the Building Inspector and DPW Superintendent" (note that Park Lane refers to the proposed cul-de-sac off of Park Road). The Chairman indicated that he would like the applicant to review the condition of the pillars at the corner of Park Road and Harriman Road.

The appropriate timing of property transfers between the subject and adjoining properties is an issue which needs to be determined, and is to be stipulated in the resolution of approval. The Chairman asked that the transfer documents be submitted to Mr. Sciarretta for his review, and re-emphasized that such transfers cannot result in an increase in site capacity on the property of the transferees.

The Board continued this matter.

IPB Matter #94-03:

**Application of Westwood Development Associates,
Inc., Phase 1 (Tract A)**

IPB Matter #02-44:

**Application of Westwood Development Associates,
Inc. for Site Development Plan Approval for
property at Lot 4, Westwood Subdivision**

Lot 4 is part of the Westwood subdivision and is the initial property being considered for individual Site Development Approval. Mr. Padriac Steinschneider of Gotham Design appeared in support of both applications. Norman Sheer, Esq., was present on behalf of the Lot 4 application.

Mr. Steinschneider and the Board agreed to refer to Westwood by its new official name, Dearman Park. Mr. Sciarretta said he is in receipt of the bond for the Dearman Park project.

The Chairman said that he and Mr. Marron had reviewed the stockpile areas proposed earlier by Mr. Steinschneider during a site inspection, and requested modifications to those shown on the original plans. He cited a letter from the Irvington School District stating that the developers are delinquent in remitting funds that had been promised to the District in place of their undertaking road work to High School Drive and the school's parking lot. He said the Board needs to review the terms of the Board's Resolution of Approval for Westwood.

The Chairman also said that, until now, the Lot 4 application was being considered in an informal manner. Mr. Sheer requested a public hearing on Lot 4 in October and Mr. Steinschneider stated that the applicant would attempt to complete road grading and other necessary work in time for that session.

The Board set October 8, 2003 for its regular meeting that month, and the Chairman said the Board would hold a public hearing at such time contingent upon the road work having been undertaken.

OPEN SPACE INVENTORY CONSIDERATION

IPB Matter #03-36:

**Racwel Contracting & Construction Co., Inc. –
Dearman Close**

There was an informal discussion of this application. The Chairman said it poses several issues, including driveway grading, before the application can be considered. Comments from Mr. Mastromonaco, dated August 6, 2003, were provided to the Applicant.

The Board continued this matter.

IPB Matter #03-35:

David & Nancy Rosner – 11 Meadow Way

Tasos Kokoris, architect, appeared before the Board. Mr. Lilienfield recused himself as he is a neighbor of the Rosner's. He also noted the need for input from the Environmental Conservation Board before the Board acts on the matter. Mr. Hoffman chaired the discussion.

Robert Citarell of the ECB said that his board had discussed this property. He pointed out that it has steep slopes and wetlands, and that the ECB will provide the applicant with official comments related to these features. The Board will have to consider the comments the ECB submits before taking any action given that this property is noted to be on the Open Space Inventory.

The proposed three story design of the structure may necessitate a variance, depending on whether the lower level constitutes a cellar, basement or story. In addition, it was noted that the proposed siting of the cabana might necessitate a rear yard setback variance. A third potential variance would involve the proposed three car garage. The applicant indicated they would consider redesign and/or request the appropriate variances from the ZBA.

Mr. Mastromonaco provided comments in a memorandum dated August 6, 2003, including questions regarding the proposed driveway drainage. Mr. Kokoris said the pool house will not have a kitchen and therefore will not be a residence. He will make a notation to that effect on the plans.

Mr. Hoffman noted Mr. Mastromonaco's memorandum raised questions pertaining to site capacity, number of stories, appropriateness of garage space, definition of rear yard and drainage. Mr. Lilienfield also asked that the limits of disturbance be indicated on the plans. In addition, the plans need to address adequate drainage, which trees are coming down and tree locations in relation to grading.

The Board continued this matter.

The Board approved the minutes of its June 2003 meeting and verified its next meeting will be held September 3, 2003.

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Walter Montgomery
Secretary